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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,916	11/29/2001	Viktors Berstis	AUS920010765US1	4720
7590	01/13/2005			EXAMINER
Frank C. Nicholas CARDINAL LAW GROUP Suite 2000 1603 Orrington Avenue Evanston, IL 60201			PANNALA, SATHYANARAYA R	
			ART UNIT	PAPER NUMBER
			2167	
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,916	BERSTIS, VIKTORS	
	Examiner	Art Unit	
	Sathyanarayan Pannala	2167	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Applicant's amendment filed on 7/26/2004 has been entered with claims 1 and 11 are being amended. Claims 1-20 are pending in this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made."

3. Claims 1-2, 6-7, 9-12, ,16-17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (US Patent 6,351,776), and in view of Millard (US Patent 6,122,738).

4. As per the independent claim 1, O'Brien teaches the Internet hard drive to and from which files may be stored and retrieved (col. 3, lines 7-14). O'Brien teaches the claimed step of "detecting at least one member of the computer grid" client is coupled to a public network in turn connected to a web server network (Fig. 1, col. 6, lines 59-67). Further, O'Brien teaches the claimed step of "determining a usage profile including a running usage register of the member" the client may request an access to X-drive

which is an Internet hard drive and the user data is also recorded (Fig. 1-2, col. 7, lines 5-24 and col. 10, lines 19-24). Further, O'Brien teaches the claimed step of "performing a maintenance function based on the database and the usage profile" the database is archived in order to access alternate database and user data is also maintained (Fig. 2, col. 9, lines 29-33, col. 10, lines 19-24). Further, O'Brien does not teach the creating the CRC function (file fingerprints) for a file. However, Millard teaches "determining a fingerprint for files stored on the member" computing CRC value for a file and stores in the file. In order to determine the file contents are not modified the value of CRC and an r (arbitrary) value for the file are compared with R value from the expression $R = (N + S2^n) \text{mod}(p)$ (Fig. 2, col. 3, line 3, lines 44-47). Further, Millard teaches the claimed step of "storing the fingerprint with an associated file name in a database" the computed value of CRC is stored at with files (Fig. 2, col. 3, lines 17-21). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the CRC computation and storing with the file in order to check in the future the modification to the files. O'Brien and Millard are combined as they teach file on internet/network and to combine the file modification checking. In order to determine that the file has not been modified CRC is the most popular method.

5. As per dependent claim 2, O'Brien teaches the claimed step of "he database comprises at least one file characteristic" file information is part of the database (Fig. 1, col. 8, lines 31-37).

6. As per dependent claim 6, O'Brien teaches the claimed step of "performing the maintenance function comprises: determining an unnecessary file based on the

database and deleting the unnecessary file" the user is provided with the file information in order to delete or remove (Fig. 1, col. 8, lines 39-43).

7. As per dependent claim 7, O'Brien teaches the claimed step of "performing the maintenance function comprises: determining a corrupt file based on the fingerprint and repairing the corrupt file" in order to virus scan and fixing the file using the NORTON software is used (Fig. 10, col. 17, lines 17-30).

8. As per dependent claim 9, O'Brien teaches the claimed step of "performing the maintenance function comprises: determining a member disk capacity and performing the maintenance function based on the member disk capacity" the user is provided with information necessary to delete or remove files so that the disk free space will be increased (Fig. 1. col. 8, lines 39-43).

9. As per dependent claim 10, O'Brien teaches the claimed step of "performing the maintenance function comprises: determining an optimal maintenance time of the member based on the usage profile and performing the maintenance function at the optimal maintenance time" in order to maintain more efficient operation, the database object generally sends sessions users to the same database (Fig. 2, col. 9, lines 34-42).

10. As per the independent claim 11, O'Brien teaches the Internet hard drive to and from which files may be stored and retrieved (col. 3, lines 7-14). O'Brien teaches the claimed "detecting at least one member of the computer grid" client is coupled to a public network in turn connected to a web server network (Fig. 1, col. 6, lines 59-67). Further, O'Brien teaches the claimed "determining a usage profile including a running usage register of the member" the client may request an access to X-drive which is an

Internet hard drive and the user data is also recorded (Fig. 1-2, col. 7, lines 5-24 and col. 10, lines 19-24). Further, O'Brien teaches the claimed "performing a maintenance function based on the database and the usage profile" the database is archived in order to access alternate database and the user data is also recorded (Fig. 2, col. 9, lines 29-33 and col. 10, lines 19-24). Further, O'Brien does not teach the creating the CRC function (file fingerprints) for a file. However, Millard teaches "determining a fingerprint for files stored on the member" computing CRC value for a file and stores in the file. In order to determine the file contents are not modified the value of CRC and an r (arbitrary) value for the file are compared with R value from the expression $R = (N + S2^n) \text{mod}(p)$ (Fig. 2, col. 3, line 3, lines 44-47). Further, Millard teaches the claimed "computer readable program code for storing the fingerprint with an associated file name in a database" the computed value of CRC is stored at with files (Fig. 2, col. 3, lines 17-21). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the CRC computation and storing with the file in order to check in the future the modification to the files. O'Brien and Millard are combined as they teach file on internet/network and to combine the file modification checking. In order to determine that the file has not been modified CRC is the most popular method.

11. As per dependent claim 12, O'Brien teaches the claimed "the database comprises at least one file characteristic" file information is part of the database (Fig. 1, col. 8, lines 31-37).

12. As per dependent claim 16, O'Brien teaches the claimed "performing the

maintenance function comprises: determining an unnecessary file based on the database and deleting the unnecessary file" the user is provided with the file information in order to delete or remove (Fig. 1, col. 8, lines 39-43).

13. As per dependent claim 17, O'Brien teaches the claimed "performing the maintenance function comprises: determining a corrupt file based on the fingerprint; and repairing the corrupt file" in order to virus scan and fixing the file using the NORTON software is used (Fig. 10, col. 17, lines 17-30).

14. As per dependent claim 19, O'Brien teaches the claimed "performing the maintenance function comprises: determining a member disk capacity and performing the maintenance function based on the member disk capacity" the user is provided with information necessary to delete or remove files so that the disk free space will be increased (Fig. 1. col. 8, lines 39-43).

15. As per dependent claim 20, O'Brien teaches the claimed "performing the maintenance function comprises: determining an optimal maintenance time of the member based on the usage profile; and performing the maintenance function at the optimal maintenance time" in order to maintain more efficient operation, the database object generally sends sessions users to the same database (Fig. 2, col. 9, lines 34-42).

16. Claims 3-5, 8, 13-15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (US Patent 6,351,776), and in view of Millard (US Patent 6,122,738) and further in view of Cane et al. (US Patent 6,101,507).

17. As per dependent claim 3, O'Brien and Millard does not teach explicitly storing file characteristic like, file size, file time. However, Cane teaches the claimed step of

"the file characteristic is selected from a group consisting of a file location, a file time, and a file size" if matching files name is located on the target system, the files dates are compare and if no changes in the file then it is considered as not modified file. All operating systems store file characteristics with the file name in the directory (Fig. 1-2, col. 3, lines 20-33). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the file characteristics. O'Brien, Millard and Cane are combined as they teach file on internet/network and to combine the file characteristics. In order to determine the previously stored file has been altered modified it is necessary the file characteristic.

18. As per dependent claim 4, Cane teaches the claimed step of "identifying at least one exempt member wherein the exempt member is exempt from the maintenance function" digital signature is stored with the file (Fig. 1, col. 3, lines 34-60).

19. As per dependent claim 5, Cane teaches the claimed step of "performing the maintenance function comprises: "determining a storage file" the file to be restored or not is decided (col. 5, lines 61-62) and "archiving the storage file" a file to be restored is stored in the archive system (Tables 1-11, col. 5, lines 61-67).

20. As per dependent claim 8, Cane teaches the claimed step of "performing the maintenance function comprises: determining a tagged file, locating the tagged file and restoring the tagged file" backup and restoring files (Fig. 6, col. 5, lines 50-67).

21. As per dependent claim 13, O'Brien and Millard does not teach explicitly storing file characteristic like, file size, file time. However, Cane teaches the claimed step of "the file characteristic is selected from a group consisting of a file location, a file time,

and a file size" if matching files name is located on the target system, the files dates are compare and if no changes in the file then it is considered as not modified file. All operating systems store file characteristics with the file name in the directory (Fig. 1-2, col. 3, lines 20-33). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the file characteristics. O'Brien, Millard and Cane are combined as they teach file on internet/network and to combine the file characteristics. In order to determine the previously stored file has been altered modified it is necessary the file characteristic.

22. As per dependent claim 14, Cane teaches the claimed "identifying at least one exempt member wherein the exempt member is exempt from the maintenance function" digital signature is stored with the file (Fig. 1, col. 3, lines 34-60).

23. As per dependent claim 15, Cane teaches the claimed "performing the maintenance function comprises: determining a storage file" the file to be restored or not is decided (col. 5, lines 61-62) and "archiving the storage file" a file to be restored is stored in the archive system (Tables 1-11, col. 5, lines 61-67).

24. As per dependent claim 18, Cane teaches the claimed "performing the maintenance function comprises: determining a tagged file, locating the tagged file and restoring the tagged file" backup and restoring files (Fig. 6, col. 5, lines 50-67).

Response to Arguments

25. Applicant's arguments filed on 7/26/2004 have been fully considered but they are not persuasive and details as follows:

- a) Applicant's argument stated as "O'Brien does not disclose, teach, or suggest the use or formation of a usage profile including a running usage register."

In response to the Applicant's argument, Examiner respectfully disagrees because O'Brien do teach "the use or formation of a user profile including a running usage register" as user data maintained by the X-drive (Fig. 2, col. 10, lines 19-24).

- b) Applicant's argument stated as "O'Brien discloses that the database object 236, which is not a database in and of itself but more like a file, determines the database operation to be performed and/or to which database to send operations base on the type of request it receives."

In response to the Applicant's argument, Examiner respectfully agrees that the object 236 is not a database itself. However, it is an object (in a simple way a module) and directly communicates with the database 202. So, it also maintains the user data on the database 202.

- c) Applicant's argument stated as "O'Brien does not disclose, teach, or suggest the determination of a corrupt file based on a fingerprint."

In response to the Applicant's argument, Examiner respectfully disagrees because the missing part of O'Brien teaching is taught by another reference, Milard. Form the title of Milard clearly indicates that the teaching of verifying the integrity of contents within a computer file. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

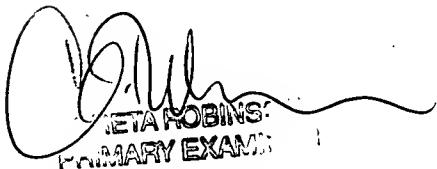
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRP
Sathyanarayan Pannala
Examiner
Art Unit 2167

srp
January 6, 2005



A handwritten signature in black ink, appearing to read "SRP". Below the signature, the text "SATHYANARAYAN PANNALA" is printed in a stylized font. At the bottom of the signature, the words "PRIMARY EXAMINER" are printed in a smaller, all-caps font.